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H – 79

International Court of Justice

H0079 - 0002

Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britian and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 8 March 1946, 1000 - 1300 hours, Lord Justice Lawrence presiding.

THE PRESIDENT: I have three announcements to make.

First, to avoid unnecessary translations, Defense Counsel shall indicate to the Prosecution the exact passages in all documents which they propose to use, in order that the Prosecution may have an opportunity to object to irrelevant passages. In the event of disagreement between the Prosecution and the Defense as to relevancy of any particular passage, the Tribunal will decide what passages are sufficiently relevant to be translated. Only the cited passages need be translated, unless the Prosecution require translation of the entire document.

Second, the Tribunal has received an application from Dr. Nelte, Counsel for the defendant Keitel, inquiring whether a defendant, in order to support his memory, may make use of written notes while giving oral evidence. The Tribunal sanctions the use of written notes by the defendant in those circumstances, unless in special cases the Tribunal orders otherwise.

Third, cases have arisen where one defendant has been given leave to administer interrogatories to or obtain an affidavit from a witness who will be called to give oral evidence on behalf of another defendant. If the witness gives his oral evidence before the case is heard in which the interrogatory or affidavit is to be offered, Counsel in the latter case must elicit the evidence by oral examination, instead of using the interrogatory or affidavit.

That is all.

I now call upon Counsel for the defendant Goering.

DR. NELTE (Counsel for defendant Keitel): Mr. President, in yesterday afternoon's session, we mentioned the testimony application nuber two, which I had submitted, was not explained orally. Is that so? I would like to put the question whether that was correct. I was not present in the afternoon's

H0079 - 0003

session and would like to be informed. We are interested in the subsequent clarification regarding the witnesses Westhoff and Wielen. Both of these witnesses had already been granted me in open Tribunal session. I only submitted these names again so that my application for proof might be complete and comprehensive.

Additionally, I mentioned State Secretary Stuckhart, a witness who has already been granted me by the High Tribunal, and I believe, therefore, that I do not need to clarify my request for the addition of these witnesses, and that the Prosecution may not see fit to object.

THE PRESIDENT: Yes, Dr. Nelte, General Westhoff and Wielen haveaalready been granted to you, and there is no need for any further application.

DR. NELTE: Is Stuckhart also granted me, Your Honor?

THE PRESIDENT: Westhoff and Wielen have been granted to you, and there is no need for any further application.

I am afraid it is difficult to carry all of these names in one's memory. I think that Stuckhart has been granted to you.

DR. NELTE: Thank you.

THE PRESIDENT: I am told he has been.

DR. THOMA (Counsel for defendant Rosenberg): Mr. President, at yesterday afternoon's session, my name was also mentioned in the following connection. I had submitted written motions and I was to present them orally as well. I assume that we are concerned with the written request or motion which I covered in my document and witness list, and in a rather lengthy written application, I requested that I might have permission to quote rather lengthy quotations from philosophical works, as far as Rosenberg is concerned, and to use them as evidence for my client, and I beg Your Honor whether this written request was the one that was covered in yesterday afternoon's session.

I would like to repeat, Mr. President, I was asked yesterday that I was to submit an oral request in addition to the one that I had made in writing, and I would like to know whether it was the written request that I put in with my request for witnesses and documents.

THE PRESIDENT: Dr. Thoma, so far as the Tribunal knows, everything will be covered by the written order which the Tribunal will make upon your application. It is not convenient, really, to deal with these matters now by way

H0079-0004

of oral requests, but everything that is in your written application will be covered by a written order of the Tribunal. It will be subject of course, to the order which I have announced this morning, in order to secure that there will be no more translation than in absolutely necessary.

H0079-0005

DR. STAHMER (Counsel for Defendant Goering): Mr. President and gentlemen of the bench, before I will start with my presentation, I beg to request two more probative value materials. I am fully cognizant of the fact that any such request should be put in writing, but I would like to have your decision whether I should put these motions now or whether the High Tribunal wishes a written request on my part.

THE PRESIDENT: You may put your request now verbally, but we would prefer to have them in writing afterwards as soon as possible.

DR. STAHMER: I would like to call Major Buetz, who is interned at Nurnberg as a witness for the following facts: Reichsmarshall Goering has repeatedly stated in the summer of 1945 that he opposed the measures which Hitler was taking against aviators and these terror attacks. He knows that neither from the Luftwaffe nor from the Wehrmacht any orders had come which would cover Hitler's orders regarding the treatment of terror aviators.

Now at last we can prove the following points: An officer of the Luftwaffe in May of 1944 at Munich protected a flyer which had been shot down, protected him against lynching which masses of people wanted to do to him. Hitler, who had knowledge of this incident, demanded of Goering the name of this officer and his punishment. Goering knew the name of this officer and on repeated questioning on the part of Hitler, Goering did not give the name of this officer and protected him in that manner, and this motion regarding the witness Buetz is concerned with this case.

Then another request for additional witnesses or testimony is concerned with the following:

In the session of the 14th of February 1945, the Soviet Prosecution showed that a German military formation called "Stab 537" Pioneer Battalion shot many, many Polish prisoners of war in the forests near Katyn. The responsible leaders of this formation were mentioned as Arenz, Rex, and Hott, all of them lieutenants. And as proof the Prosecution referred to Document USSR 64. It is an official report of the Extraordinary Commission which was concerned with the investigation of the well-known facts of the

H0079-0006

matter Katyn. The document itself has not been received by me. On the basis of the publication of this speech by the Prosecution in the press, members of the staff of the Heeresgruppe Mitte announced that they knew of this, and Staff 537 was connected with Heeresgruppe Mitte and was stationed or situated not far from this camp. This is about forty-five kilometers away. These people stated that the information upon which the Prosecution made the foregoing statement was not ture and the following witnesses are mentioned:

Colonel Arenz, at that time Commander of the Regiment 537, later Chief of Armament and Leader of the Auxilliary Forces; First Lieutenant Rex, probably taken prisoner of war at Stalingrad; then, third, Lieutenant Hott, who probably became a prisoner of war at or near Koenigsberg, that is, a Russian prisoner of war; General Major of Intelligence Troops, Eugen Oberhauser, probably an American prisoner of war; General Graf Berg, later Ordnance Officer with Field Marshal Kluge, as an English prisoner of war in Canada. Other members of the accused formation are to be mentioned later. I wish to call these witnesses so that the conclusion drawn by the Prosecution from the above-mentioned statements covering guilt or co-guilt by the defendant Goering is not justified.

This morning I received an additional piece of writing and I wish to put another request for evidence, Professor Nahwiel at the University of Geneva, a professor and medical man. At that time he worked with an international commission at Smolensk, performed autopsies, and could tell from the remains in the pockets of these corpses and from other things about these bodies that the measures had already been performed in the year 1940.

And those are my requests for additional testimony and witnesses.

THE PRESIDENT: If you will put in those requests in writing, the Tribunal will consider them.

DR. STAHMER: And now will I begin.

THE PRESIDENT: Just one minute. Dr. Stahmer, if you would communicate your written application to the Prosecution, they would then be able to make a written statement if they have any objection to it. You will

H0079 - 0007

do that as soon as possible. Let us have both your written application and the Prosecution's answer to it.

DR. STAHMER: The Tribunal has ordered in its decision of December 11, 1945, that the defense is entitled to be heard only once. This shall take place only after the conclusion of the hearing of the evidence. The Tribunal decided some time later that explanatory words may be permitted at the present part of the trial in connection with the presentation of documents by the defense. The witnesses have already been named by me. A decision has been made concerning their admission and they will be called in the course of the proceedings. I wish to call a witness shortly but before I do that, I wish to make the following comments to the documents to which I shall refer during my final speech:

H0079 - 0008

The Prosection has charged the defendant repeatedly with the violation of the Treaty of Versailles, but this charge is not justified in the opinion of the defense. Detailed statements on this question belong to the concluding speech of the defense and will therefore be dealt with there.

The present part of the proceedings deals only with the production of documents which will be used to prove the contention that the Tready of Versailles was not violated by Germany but that Germany was no longer bound by it.

I submit that the 14 points of the American President Wilson were the basis of that treaty, are commonly known, and therefore do not need further proof, according to Paragraph 21 of the Charter.

The Treaty of Versailles has already been submitted to the Tribunal. It was published in the Reichsgesetzblatt 1919, Page 687. Out of this Treaty of Versailles, Article 8 and Part V of this treaty are important for its interpretation. These provisions are reproduced in the Document book. I quote the first four paragraphs of Article 8:

"The members of the League profess the principle that the maintenance of peace requires a decrease of national armaments to a minimum which is compatible with national security and with the enforcement of international obligations by joint actions.

"The Council will draw up the plans for disarmament under consideration of the geographical location and the particular conditions of each state and will submit them to the various governments for examination and decision.

"Every ten years these plans are to be subjected to a re-examination and possibly a revision.

"The limits of armaments decided upon in such a manner must not be exceeded without the consent of the Council after their acceptance by the various governments."

These were the first four paragraphs of Article 8.

"In order to render possible a general limitation of the armaments of all nations, Germany agrees to comply strictly with the regulations for the ground, naval and air forces as set forth."

These regulations prove, not only Germany had to disarm, but also the signatories of the pact were bound to disarm likewise. However, Germany was

H0079 - 0009

committed to start disarmament first. Germany completely fulfilled this commitment.

On the 17th of February 1927, Marshall Foch stated: "I can assure you that Germany has actually disarmed."

T herefore, the signatories of the pact had to fulfill their commitment to disarm. As they did not disarm, Germany was no longer bound by the pact according to general principles of law, and she was justified in renouncing her obligation.

This interpretation agrees with the point of view which has been expressed by French as well as by English statesmen. Therefore, I should like to refer to the speech made by Paul Boncour on April 8, 1937, in which Boncour stated as follows: I quote from Document Book 1, Page 28.

"It is correct that the introduction to Part V of the Treaty of Versailles concerns the limitation of armaments, which was imposed on Germany as a prerequisite and as the forerunner of a general limitation of armaments. This brings out very clearly the difference between the armament restrictions of Germany and other similar armament restrictions, which in the course of history have been imposed after the conclusion of wars. This time these regulations - and in this lies their entire value - have been imposed not only on one of the signatories to the treaty, but they are rather a duty, a moral and legal responsibility for the other signatories to proceed with a general limitation of armaments."

Further, I should like to refer to the speech made by David Lloyd George on the 7th of November 1927, in which he points out the memorandum to the skeleton note of June 1919. I quote from the document book 1, Page 26:

"A document which we handed Germany as a solemn pledge on the part of Britain, France, Italy, Belgium, and 20 other nations to follow Germany's example after she was disarmed."

The Treaty of Versailles was not only felt by the German people to be a bitter injustice, but there were numerous voices in foreign countries that called the treaty exceedingly unfair for Germany. I am quoting the following from Rothermere's "Warnings and Prophecies," Document Book 1, Page 30:

"Germany was justified in feeling that she had been betrayed in Versailles under the pretext --

H0079 - 0010

MR. JUSTICE JACKSON: (Interposing) I just call the Tribunal's attention to the fact that the documents which are now being read into the record are documents which, as I understand it, were excluded as irrelevant by the Tribunal when that matter was before it before. They are matters of a good deal of public notoriety and would not be secret if they were not in evidence; but I think the reading of them into the record is in violation of the Tribunal's own determination.

THE PRESIDENT: Dr. Stahmer, the Tribunal had suspected that these documents had been excluded, and they have sent for the original record of their orders. But I must say now that the Tribunal expects the defendants' counsel to conform to their orders and not to read documents which they have been ordered not to read.

H0079 -0011

DR. STAHMER: Shall I continue?

THE PRESIDENT: Certainly.

DR. STAHMER: Thank you. Germany was disarmed for a period of five years. From that day on which the various peace treaties were signed, encouraged a number of small States to helping the rearmament and the result was that Germany five years after this day was surrounded by a much righter ring of iron than five years before the world war, and it was inevitable that a German regime, which had renounced Versailles, at the first opportunity would rearm heavily, and it was evident that its weapons, diplomatically, if in the true sense of the word, were to be directed against the powers of Versailles, and in the sam way is disputed the Pact of Locarno, a breach of which the defendant is also charged with, and as far as the defense is concerned, unjustifiably.

Germany renounced this Pact and could do so rightfully because France and Russia had signed a Military Assistance Pact, although the Locarno Pact provided a guarantee of the French Eastern Border. This act by France, in the opinion of Germany, was in sharp contrast to the legal situation created by the Locarno Pact.

In a speech of the Plenipotentiary von Ribbentrop before the League of Nations on the 19th of March 1936, this opinion was expressed in the following words. I quote from document book 1, page 32. "....But it is also clear that if a world power ---"

THE PRESIDENT: Dr. Stahmer, I have before me know the order of the Tribunal of the 26th of February 1946, and paragraph 4 of that order is in the following terms: "The following documents are denied as irrelevant", and then the heading "Goering", and the fourth of the document is the speech by Paul Boncour on the 8th of April 1927, and the sixth is the speech by Lloyd George on the 7th of November 1927, which you have not read but which you have put in your trial brief. I would again call your attention, and the attention of all the defense counsel, to the fact that they will not be allowed to read any document which has been denied by the Tribunal. Go on.

H0079 - 0012

DR. STAHMER: This quotation is as follows:

"...But it is also clear that if a world power by virtue of her sovereignty can decide upon concluding military alliances of such vast proportions without having misgivings on account of existing treaties, another world power like Germany has at least the right to safeguard the protection of the entire Reich territory by re-establishing within her own borders the natural rights of a sovereign power which are granted all peoples."

Before I will take up the question of an aggressive war I have the intention, if I have the permission of the high Tribunal, to call as the first witness General of the Airforce von Bodenschatz.

THE PRESIDENT: Yes, certainly.

(KARL VON BODENSCHATZ, a witness, took the stand and testified as follows):

BY THE PRESIDENT:

Q What is your name?

A Karl von Bodenschatz.

Q Will you repeat this oath after me. I swear by God, the Almighty Omniscient, that I will speak the pure truth, and will withhold and add nothing

(The witness repeated the oath).

BY DR. STAHMER:

Q General von Bodenschatz, since when have you known Reichsmarshal Goering?

A I knew Reichsmarshal Goering since June 1918

Q In what capacity did you get to know him?

A I came to know him when he was the commander of the Squadron Richthofen. I was the adjutant of Freiherr von Richthofen who had just died, who had been killed in action.

Q After the end of the first world war, were you taken into the Reichswehr, at the end of the first world war?

A At the end of the first world war? I was taken into the Reichswehr as a professional officer and remained from the year 1919 until April 1933.

Q When, after the completion of the world war, did you start your connection with Goering: did you mean in November 1918?

H0079 - 0013

A I came together with Goering again. I was at Aschaffenburg, at a demobilization of Squadron Richthofen. I was with Goering at the time and later in the spring of 1919 for several weeks, I was together with him at Berlin. There our paths separated. Then I met Goering for the first time once more at his first wedding and I believe that was in the year 1919 or 1920, I cannot remember exactly. Up to 1929 there was no connection between him and me. In the year 1929, up until the year 1933, I met Hermann Goering here in Nurnberg several times. At that time, I was the Kompaniechef of Infantry Regiment 21 and was stationed at Nurnberg. My meetings with Goering were meant for purposes of old friendship.

Q And then in the year 1939, you entered the Luftwaffe?

A 1933, I volunteered with Goering at Berlin. At that time, Goering was Reich Commissar of the Luftwaffe and I reported to him as his military adjutant. I remained up until the year 1938; then I was the Chief of the Ministerial Bureau.

Q And what position did you have during the war?

A During the war, I was a liaison officer between the Commander in Chief of the Luftwaffe and the Fuehrer Headquarters.

Q Were you at the headquarters, or where?

A That varied, sometimes at the Fuehrer Headquarters and then at the headquarters of the commanding chief of the Luftwaffe.

Q When did you leave this position?

A I left this position on the 20th of July 1944, because I was badly wounded on that day, seriously wounded on that day.

Q And what was the cause of your being wounded?

A I was present at the plot on Hitler.

Q You were present?

A Yes.

Q And what were your tasks at the Fuehrer Headquarters?

A I had the task to take care of reports on special matters and desires of the Reichsmarshal, to bring them to the Fuehrer Headquarters in the absence of the Reichsmarshal and to see that these requests were forwarded, and then

H0079 - 0014

questions from the Fuehrer Headquarters to be forwarded to Goering direct. Then all proceedings at the Fuehrer Headquarters, as far as they concerned him in his capacity as Reichsmarshal, I had to inform him in plenty of time, that is, not necessarily through official channels, I had to forward this information to him.

Q Did you take part in the conferences?

A I was just a listener at these conferences.

Q From what period of time on did Reichsmarshal Goering lose his influence with Hitler?

A From my personal opinion and conviction, I can say that Hermann Goering, since the spring of 1933, Goering lost influence with Hitler.

Q And what were the reasons?

A At that time, that showed at the beginning of air attacks on Germany, and since that time between Hitler and Goering were differences of opinion which, in a separate period of time were increased, in a subsequent period of time.

THE PRESIDENT: The translation came through, as far as we were able to hear it, that the Defendant Goering, since the spring of 1933, lost his influence with Hitler.

DR. STAHMER: In 1943.

THE PRESIDENT: Go ahead.

DR. STAHMER: May I continue?

THE PRESIDENT: Yes.

THE WITNESS: Even though Goering made tremendous efforts, he could not recapture his influence upon the Fuehrer as he had had it prior to that time, and the outward signs and symptoms of the decreased influence were the following:

First, the Fuehrer criticized Goering more severely. Secondly, the prior conversations between Hitler and Goering, which had been of large duration, now were markedly shorter, less frequent, and finally ceased altogether. Thirdly, as far as important conferences were concerned, the Reichsmarshal was not called in. Fourthly, in the last months and weeks, there was an increasing tension between Hitler and Goering, and to such a degree that he was arrested.

H0079 - 0015

Q Do you know about this arrest, and what was the cause?

A I am not exactly informed on this. I can just tell you what I heard. I was at that time at Reichenhall at the hospital. I just heard that Reichsmarshal Goering had sent a telegram to the Fuehrer, and in this telegram, to a measure at least, Goering requested that since he, that is Goering, did not have freedom of action any more, that he might act himself. After a reply to this wire, which was sent by wireless, was sent back to Berlin, there was by Hitler an arrest. I wouldlike to emphasize and inform that that was just his say. I have no proof of any of these statements.

Q And who made the arrest?

A I cannot tell you about that, because I know nothing about it. I heard that a commando of the SS from Obersalzberg made this arrest.

Q As to Fieldmarshall Goering, did he have in turn any knowledge of the proceedings against him, which had been made on the 9 and 10 November 1938

A Goering had no trial to my knowledge.

Q How can you tell that?

A I can tell that from his demeanor, how he acted after this incident towards me. And he acted in the following manner: When he heard of these things which were made, he could not justify these proceedings, and, further, afterwards, is when he went over to the Fuehrer and complained about the people who had instigated these incidents. Captain Wiedmann, the Adjutant of the Fuehrer, can give you the particulars and the details. Several weeks after this, Goering called in the Gauleiters to Berlin at that time, as he wanted to make clear his attitude as to the incident of on the 9th and 10th; he opposed these wild single actions. He stated them as unjust, as economically unreasonable, and the diminution of prestige in foreign countries, and, former Gauleiter Dr. Veberreiter, who took part in this conference, has already given written testimony.

THE PRESIDENT: Wait one moment. Go on Dr. Stahmer. You can go on.

BY DR. STAHMER:

Q Have you completed your statement?

H0079 -0016

A Yes.

Q Were you present at a conference which took place in the beginning of August 1939 at Sonke Nissen Koog in Husum, which took place at that time and place?

A I took a personal part in this conference, yes.

Q Who was present or assembled there?

A So far as I recall the following were present: Hermann Goering, Herr Dahlerus, Stockholm, six to eight English, a Ministerialrat in the Government, whose name I don't recall, I was present, and there was an interpreter, Dr. Boecker, who was present.

Q Can you tell us about the contents of this conference?

A I cannot remember the words that were said, but as much as I can tell you Goering made the following statement:

THE PRESIDENT: Dr. Stahmer, did the witness say where this conference took place?

BY DR. STAHMER:

Q Please repeat.

A At the beginning of the conference at Sonke Nissen Koog in Husum, that was.

BY DR. STAHMER: First, Sonke Nissen Koog, that is sort of a base, Sonke Nissen Koog in Husum.

Q Please continue. You were going to tell us about the contents, or substance of this conference?

A In substance, Goering made the following statement: Between English and German military connections the relations are very tense. Under no circumstances may this tension be increased, or be intensified, that may, or may not endanger the peace. That welfare, and the economic welfare of both countries can only bloom and function in peace. Germany and Europe are interested to the greatest extent so that the British Empire will continue to exist. Goering emphasized that he himself would use his entire influence for the maintenance of peace. He asked and requested the British business leaders after their return home to use their influence with the

H0079 - 0017

vital personalities; that they use their influence for that purpose and for the aims just outlined.

Q Did then Reichsmarshal Goering converse with you the fact that the foreign policy of the Reich should be carried out according to this opinion, when on the occasions those conversations took place?

A Hermann Goering spoke about these topics many times with me. These conversations took place in the years of 1938 and 1939, especially in that time or period after the Munich Agreement. These conversations took place perhaps in connection with the speech, or perhaps on a special train. Hermann Goering was only of the opinion that the policy of the Reich would have to be conducted in such a way that the possibility of war was not even to be thought of. Hermann Goering was especially interested in elaborating on this topic in a conference with the Gauleiters in the Summer of 1938 at Carinhall. I just recently did mention that Dr. Ueberreiter had testified under oath, especially, and particularly in this connection.

Q Did Fieldmarshal Goering before his departure from Munich, 1938, did he speak to you prior to that departure?

A Before Hermann Goering took his trip to Munich, he said to me to do everything within -- he would do everything in order to effect a peaceful settlement. We cannot have war, and in this sense and substance he tried to effect and influence the Fuehrer, and, accordingly, during the proceedings at Munich he worked for the preservation, and also, decisively for peace.

Q Have you finished?

A I have not quite finished yet. When after this conference at Munich he met the Fuehrer, and he said to us spontaneously, "that is peace I want." I have concluded.

Q Did he repeatedly converse with you as to this point he was against a war, and what was the occasion for his making this statement?

A We talked about this topic very frequently. He always said to me, "I was in the first World War in the infantry, and as an aviation officer, and was at the front. I know the horrors of a war, and, therefore, my attitude is so far as possible to prevent the horrors of war to come to the German people. Again my ambition is to solve the conflicts peacefully."

H0079 - 0018

In general his opinions are such that war is always a risky and unsure business. "That even if you win a war, the advantages are in no relation whatsoever to the disadvantages and sacrifices which have to be made. If you lose the war, then in our position everything will come to an end. Our generations have already been to war, or a World War, and have seen its bitter consequences, and have lived through its bitter consequences; so far as the same generation is concerned, you cannot expect them to live through another war, and thought on that is unbearable."

H0079 - 0019

I would like to add that Hermann Goering, according to his inner thoughts and character, was never for war. Everything was further from him than the thought of a war.

Q Did Goering converse with you about the aim, according to his wish, about rearmament which Germany had taken? What were the utterances then and there?

A Goering spoke with me about these matters in the year 1935, after the Wehrfreiheit had been known, and he said that, after several attempts to limit armament, the rearmament of Germany was to be similar to the armament of other countries, and the aim was to have the same rights as the other great powers and to be able to participate in the politics and policies of the great powers.

Q Did these conversations take place after 1935 also?

A Yes. Now and then we referred to the same topic, and he spoke in the same manner.

Q Did you come to know through Goering just what purpose the Four Year Plan was to serve?

A I spoke with Goering about this matter just casually in the year 1936, and that was after the Four Year Plan had been announced. He told me the following: that in this plan he saw a means to secure for Germany those raw materials which she could not import in peace because of the lack of foreign exchange, or whose import in an emergency would be cut off.

Q When and on what occasion did Goering give you his opinion on the Russian campaign?

A Toward the end of 1941, after the first reverses in the Russian campaign, Goering talked with me about the situation and the fighting in the East. He said at that time Adolf Hitler foresaw a very hard battle in the East, but the reverses, as we have just had them, he did not foresee and did not count on. Before the beginning of this campaign I tried in vain to dissuade Hitler from his plan of attacking Russia. I reminded him that he himself, in his book "Mein Kampf", was opposed to a war on two fronts

H0079-0020

simultaneously, and, in addition, I pointed out that the mass or the scope of the German Luftwaffe was to be in the East, and England, whose air industry had been hurt, would have a chance to recover and convalesce.

THE PRESIDENT: Would that be a convenient time to break off for ten minutes?

(A recess was taken.)

H0079 - 0021

THE PRESIDENT: The Tribunal has observed that the witness is using notes while giving his evidence. The ruling which I announced this morning was confined to the defendants and did not extend to witnesses. Nevertheless, the Tribunal will allow the same rule to be applied to witnesses. The evidence must not be read, the crux of the rule being merely to assist the recollection in giving evidence.

Yes, Dr. Stahmer.

(Direct-Examination continued)

BY DR. STAHMER

Q Do you know whether people turned to the Reichmarshal with the request that their relatives should be freed from concentration camps and to help them in their difficulties with the Gestapo?

A In order to answer that question the Chief of Staff is the person who can answer that question. I myself only heard that such requests had been directed to the Reichmarshal.

Q Didn't you personally have to do with these things?

A In my section I had to do with those requests that were directed toward the Luftwaffe. But they were only requests regarding the imprisonment of German citizens and these were requests that the reason for this imprisonment be given. Otherwise also applications regarding misunderstandings of arrests and also regarding arrests of Jews. Those requests came to me only from the field of activity of the Luftwaffe or from my immediate circle of acquaintances.

Q How were such requests treated?

A Such requests were treated as follows:

Most of the requests came from the broad masses of the people and were submitted to the Staff of the Reichmarshal. Those requests that came from the Luftwaffe fell into my sphere of activity and requests that came from the Reichsmarshal's relatives or friends he himself handled. The Reichsmarshal did not withdraw his help in these cases. In individual cases he asked the Fuehrer personally for a decision.

In all cases that I dealt with help could be given.

Q Did you also turn to Goering with requests for help for Jews?

A Yes, Jews, and particularly Jews of mixed blood.

Q How were these requests handled?

H0079-0022

A T he Reichsmarshal did not deny his help and he gave instructions whenever possible that they should be helped.

Q What was Goering's general social attitude?

A Goering's social attitude was as follows:

His feelings and actions of a social nature, it was his general feeling that he should help those he could. He was always ready to help those who were in need, for instance sick people, wounded, the relatives of those who had been killed in the war, prisoners of war.

Care for the working classes was particularly important to him. Here is an example of this: The introduction of miners' compensation for twenty-five years of steady work — those who had worked that long should receive twenty thousand marks in compensation. This is one of his most important social works.

H0079-0023

Q Did you know of the conditions in the concentration camps?

A. I knew nothing of those conditions.

Q Was the Fuehrer Headquarters informed of these conditions or were they discussed?

A In the Fuehrer Headquarters I heard nothing about conditions in concentration camps. It was never discussed.

Q Was the question of the annihilation of Jews discussed?

A No, it was not.

Q Not even in camp discussions?

A No, not there either. Never were these matters talked about in my presence.

Q Did anyone else mention anything, for instance Himmler?

A Himmler never mentioned anything. I simply heard, while I was in prison, that people who had spoken to Himmler on this matter had been told by him.

Q That what you heard was not true?

A That is false. I myself did not speak to Himmler on this matter.

Q Did you know how many concentration camps there were?

A Everyone knew that the camps existed, but not that so many existed. Mauthausen, Buchenwald -- it was only after the war that one found out about these camps and one read it in the paper. I knew of the camp of Dachau because I happen to come from Bavaria.

Q Did you ever hear of the cruelties that took place there?

A No, just last year for the first time. When I took my leave of the Reichsmarshal in the middle of March, 1945, the Reichsmarshal told me at lunch that many Jews must have died and that they would have to pay for that. It was in that way that I heard of any crimes against the Jews.

DR. STAHMER: I have no further questions. I can now turn over the witness to the other Defense Counsel and the Prosecution.

THE PRESIDENT: Do any Defense Counsel wish to ask any questions of this witness?

BY DR. LATERNSER (Counsel for the General Staff and the OKW):

Q I have only a few questions.

H0079-0024

Witness, in your capacity as liaison officer of the High Command and the Luftwaffe, you took part in the camp discussions in the Fuehrer Headquarters. Did you also take part in camp discussions when front line commanders were making their reports to Hitler?

A At such discussions I did not personally take part. I was, however, present at two discussions in adjoining rooms, once when Field Marshall von Kleist was there for a conference, and the second time when the leader of the Crimea Army was present. After the evacuation of the Crimea, the leader of the Crimea Army was there for a conference.

I was not actually present at those conferences, but I heard it in the adjoining room because people were speaking loudly. I heard that there were differences of opinion between Hitler and the commanders in question. I can say no more on that.

Q Did you hear enough that you could get the general gist of these conferences?

A No, I could not follow the general course of their discussion. I do not know their content.

DR. LATERNSER: I have no further questions.

THE PRESIDENT: Do any other Defense Counsel wish to ask any questions?

Then, does the Prosecuting Counsel wish to ask any questions?

CROSS-EXAMINATION

BY MR. JUSTICE JACKSON:

Q May it please the Tribunal: You are at the present time a prisoner of war of the United States?

A I beg your pardon. Could you please repeat the question. I didn't understand the question.

Q You are at the present time a prisoner of war of the United States?

A At the present time I am a prisoner of war of the United States.

Q You have been interrogated on a number of occasions by representatives of the United States?

A I was interrogated several times by representatives of the United States.

H0079 - 0025

Q You have also had a number of consultations with Dr. Stahmer who has just examined you?

A I had several discussions with Dr. Stahmer who has just addressed questions to me.

Q Those questions were addressed to you some time ago and you prepared your answers in writing?

A These questions were submitted to me before and I was able to prepare my answers.

Q Coming to the subject of the concentration camps and the activities of your department in releasing persons from them, as I understand you, a large number of applications came to the Goering office for release from concentration camps.

A I stated before that the requests that people be released from concentration camps did not come to me but to the staff. I received only the requests in which people requested help because they had been taken prisoner, among them Jews who were about to be arrested.

Q Were those applications that did come to you numerous?

A My sector was only the field of the Luftwaffe. There were perhaps 10 to 20 such applications.

Q And those applications were from persons who were threatened with imprisonment or had been in prison, or both?

A In part, people who were already under arrest, and in part, people who were about to be arrested.

Q And in each case, as I understand you, you intervened to help them.

A On instructions of the Reichsmarshal, in all cases I helped those that came to me.

Q And did you know of any other cases that came to the staff in which help was not given to the imprisoned persons?

A I don't know anything about that. I heard from Dr. Witzbach, Chief of Staff, that the requests that came to him were settled in a humane way.

H0079 - 0026

Q Now, were the persons that you intervened for innocent of crime or were you helping people out who were guilty of crime?

A Those were innocent people, those I helped.

Q So it came to your notice that innocent people were being put in concentration camps.

A Could you please repeat that question.

A It came to your notice that innocent people then were being put in concentration camps.

A Had not been put into concentration camps, but were to be put in.

Q I thought you said you intervened for some who had been arrested.

A Yes; they were not brought to concentration camps. I will give you a practical example. A comrade of mine, from the Richthofer Squadron, who was a Jew, was arrested by the Gestapo, was not taken to a concentration camp, but first was simply arrested by the Gestapo. His lawyer informed me. I informed the Reichsmarshal of this case, and the Reichsmarshal instructed me to have this man freed from his temporary custody by the Gestapo. He was not yet in a concentration camp. This case happened in 1943.

Q What was he charged with when he was arrested?

A He was arrested because he was a Jew and he had been told that he had offended in some way against morals, in that he met an Aryan woman in a hotel room.

Q And did you make any inquiries as to whether the charge was true?

A I did not have to make such inquiries because I had no difficulty in obtaining his release. When I called up, he was released and thereafter stayed under the protection of Hermann Goering.

Q Who did you call up to get his release?

A The Chief of the Gestapo, the chief office in Hamburg. I don't know the name. I didn't make the call myself, but my assistant did so.

Q So that the Gestapo would release persons upon the request of Hermann Goering?

A Not from Herman Goering's office, but the Reichsmarshal gave specific instructions that that was to occur, and then it did.

Q I thought you said your assistant called up. Did Goering also call the Gestapo himself?

A No, he himself did not, not in this case.

Q So that even though this man may have been guilty of the charge, if he belonged to the Luftwaffe hewas released, on the word of the Reichsmarshal?

A He was not a member of the Luftwaffe, he was a civilian. He had previously been one of our comrades in our Richthofen Squadron. He was not in the Wehrmacht.

Q But your instructions were to release all persons who were Jews or who were from the Luftwaffe? Were these your instructions from Goering?

A The Reichsmarshal told me, again and again, that in such a special case I should act humanely, and I did so in every case.

Q Now, did you find that Jews were arrested that there were no charges against?

A In one case, in the case of the two families Ballin--these were two older married couples, more than 60 years old. These two couples were to be arrested, and I was informed of this. I told the Reichsmarshal about it, and he told me that these two couples should be taken to a foreign country.

That was a question of the two couples Ballin. In 1923, when Hermann Goering was seriously wounded in front of the Feldherrnhalle, when he was going back to a house, he was taken in by this family and given medical help. These two families were to be arrested.

Q For what?

A They were to be arrested because there was a general order that Jews should be collected in camps.

Q And you knew of that order?

A I did not know the order; it was only through this example, that went through me, that it became clear to me that this transport of Jews should take place. I never read the order myself, nor even heard of it, because I had nothing to do with that.

Q It came to your attention that Jews were being thrown into concentration camps merely because they were Jews?

H0079 - 0028

A I am not speaking of concentration camps, but the Jews were to be brought to special collection camps.

Q Not concentration camps, but special camps? Where were they going from there?

A That I do not know.

Q And where was this special camp that you speak of?

A I do not know where they were taken to. We simply knew that they were to be taken away.

Q But neither you nor Goering had any suspicion that if they were taken to concentration camps any harm would come to them, did you?

A What took place in the concentration camps I knew nothing about.

Q Now didn't you hear about the concentration camps, and wasn't the purpose of your saving these people from going to them that the people who went there were mistreated?

A I must reiterate that the people were freed from their first imprisonment with the Gestapo that were not yet in the concentration camp.

Q What would the Gestapo take them into custody for if not the concentration camp?

A What purpose the Gestapo was pursuing with these arrests I do not know.

Q But you intervened to save them from the Gestapo without even finding out whether the Gestapo had cause for arresting them?

A If the Gestapo arrested any one, then there must have been something against him.

Q But you made no inquiry into that, did you?

H0079 - 0029

A I have already said it was generally known that these people were taken to collection camps, not concentration camps, but they were to be taken away. Many people knew that; they knew that the people were taken to work camps, and in these work camps they were put to work.

Q Forced labor?

A Please?

Q Forced labor?

A It was just ordinary work. I knew, for instance, that in Lodz the people worked in the textile industry.

Q And where were they kept while they were doing that work?

A I can't say; I did not know.

Q They were in a camp, weren't they?

A I do not know.

Q You wouldn't know about that?

A I have no idea.

Q What is the difference between a work camp and a concentration camp? You have drawn that distinction.

A A work camp is a camp in which people were housed without their being in any way ill-treated.

Q And a concentration camp is where they are ill-treated?

A I can only say that to you, because in the meantime I discovered that through the press and through my imprisonment; at that time I did not know it. I learned that from the newspapers. I was in English imprisonment for quite a while, and that is where I found out about it.

Q You spoke of collection camps, that many people knew they were being taken to collection camps to be taken away. Where were they being taken away?

A I do not know.

Q Did you ever inquire?

A No, I never inquired.

Q You were adjutant to the number two man in Germany, were you not?

A Yes.

H0079-0030

Q And you never ventured to ask him about the concentration camps?

A No, I never spoke to him on that theme.

Q The only instructions you had were to get everybody out that you could?

A Where a request was made or a complaint, I followed those cases down, and in those cases I assisted.

Q You knew that Hermann Goering was a close co-worker with Himmler, didn't you?

A That he was a fellow worker with Himmler, I knew, because I had something to do with it. Himmler frequently came to conferences with Hermann Goering, but these were, however, private conversations just between Goering and Himmler.

Q And you knew that he was not only a friend, but that he had aided Kaltenbrunner to his post when Kaltenbrunner came into office, did you not?

A No, that I didn't know.

Q You didn't know that?

A That Reichsmarshal Goering recommended Kaltenbrunner for his office? That I did not know. My activity was confined simply to the military sector. I was military adjutant for the Reichsmarshal. I had nothing to do with these things.

Q Did you have anything to do with the procedure of making full Aryans out of half-Jews?

A On the question of mixed blood, requests in the field of the Luftwaffe came to me, to wit, officers, according to the regulations, would have to be dismissed from the army if they had mixed blood. In many cases the Reichsmarshal gave instructions that these officers should not be dismissed.

Q What was done about it?

A In these cases the chief of the personnel office was instructed not to dismiss these individuals.

Q And in some cases some kind of an order was made, was it not, that they were full Aryans, notwithstanding Jewish parentage?

H0079 - 0031

A At the moment I can remember no such case.

Q You spoke of the requests for help from Goering coming from broad masses of people, and those requests were submitted to his staff. Is that right?

A Yes.

Q And who was the head of that staff?

A At the head of the staff stood the chief of the staff, Dr. Witzbach.

Q How many assistants did he have?

A There were three divisions: The press section, with Dr. Goerner in charge of that; private secretary --there were three such sections.

Q And which of these sections handled the peoples' requests for relief from arrest?

A Dr. Witzbach and Dr. Goerner were concerned with that.

Q To whom did they talk about these matters, do you know?

A These gentlemen, as well as myself, submitted these matters to the Reichsmarshal.

Q So that he was kept fully informed of what you did and of what they did?

A Please repeat the question.

H0079-0032

Q The Reichsmarshal was kept fully informed of these applications to you and to the other sections?

A From me he was kept in such orientation.

Q And as I understand you he never failed to give you assistance to any one of the applications that was made to him, so far as you know?

A So far as any requests addressed to my office or to me personally he never refused assistance and actually always did help.

Q And never inquired into the guilt or innocence of the person he was helping?

A In most cases, of course, they were innocent; that was already established.

Q Now, you were present on the 20th of July at the bomb explosion, as I understand from your direct testimony?

A On the 20th of July I was present at that conference and stood very near to the bomb.

Q Where was Hermann Goering that day?

A Hermann Goering was in his headquarters on that day about seventy kilometers from the Fuehrer Headquarters.

Q Only seventy kilometers away; is that right? And at that time were you instructed to represent him at that meeting?

A I was not instructed to represent him at this meeting; I took part in this conference as in any other one as a listener. I had no such orders to represent Goering in the Fuehrer Headquarters; I simply came to the Fuehrer Headquarters to inform him of what went on there.

Q You represented him to listen but not to talk; is that right?

A I didn't say very much; I was simply a listener and was to inform him as to what took place at the conference, what would interest him in his capacity as Reichsmarshal.

Q However, in advance of that meeting were you instructed to attend the meeting?

A At this meeting on the 20th of July, on the 19th of July I was on a special commission sent to Muenster Lager to review an Italian division. On the 20th of July, at noon, I came by air to the Fuehrer Headquarters, gave Hitler a military communication, and Hitler said to me, "Come along to the camp." I didn't want to go but I did, and after fifteen minutes the

H0079-0033

attempted assassination took place.

Q Who sent you with the message? Whose message was it that you were delivering?

A I was commissioned at that time by Reichsmarshal Goering, in Muenster Lager, to attend the review of the Italian division there and to tell Field Marshal Graziani that the men in this division were to be used to command flak guns. After Field Marshal Graziani had not declared himself agreeable to this I was obliged to go to the Fuehrer Headquarters by air. It had been originally arranged that I should go by train and should go from--

Q Answer my question, witness. Just answer the question, please, and you will save us agreat deal of time. Whose message were you carrying to the Fuehrer?

A I brought the message that Graziani was not disposed to using these soldiers of the Italian division as had been suggested.

Q And before you started for the Fuehrer Headquarters you communicated with Goering about it, didn't you?

A Before my departure, when I went to the Muenster Lager, that was a few days before I had spoken to him. I had spoken to him when I returned to the Fuehrer Headquarters. At twelve-fifteen I telephoned Hermann Goering in his headquarters and gave him the same message.

Q And did he instruct you to go to the Fuehrer Headquarters at that time and give the message to the Fuehrer?

A This trip from Muenster Lager I made on my own initiative because it was important to Adolf Hitler to know of this information before Graziani arrived at the Fuehrer Headquarters, where he was expected at three o'clock on July 20.

Q As I understand you, Goering wanted a peaceful outcome of the negotiations at Munich?

A He said that to me several times.

Q And he was highly pleased with the outcome that was achieved there?

A He was very pleased. I emphasized that before when I said that when he came from the conference room he said

H0079 - 0034

spontaneously, "That is peace".

Q And when you say thatGoering wanted peace with Poland he also wanted that same kind of a peace, didn't he?

A Regarding peace with Poland I did not speak with him.

Q Did he send someone or induce Hitler to take someone to Munich in order to counter-check Ribbentrop?

A I know personally only the following in this matter. Here in imprisonment Captain Wiedemann told me that Hermann Goering had expressed the wish to take von Neurath with him, and Wiedemann told me that Hitler had corresponded to that.

Q Now, you were interrogated by the United States about this subject before Wiedemann got here, weren't you?

A Before?

Q Before Wiedemann was brought here.

A I was not interrogated on this subject.

Q Were you interrogated on the 6th day of November 1945, and did you not then say that Goering used very harsh words about Ribbentrop and asked Hitler to take Neurath to Munich with him in order to have a representative present? Did you not say that to the interrogators of the United States?

A At the moment I can not recall. If that is in my interrogatory then it must be so.

Q This meeting as to which you have -- oh, by the way, after Munich you knew that Goering gave his word of honor to the Czechs that there would be no further aggression against them, do you not?

A Please repeat the question?

Q You know that after Munich, when Goering was pleased with the outcome, he gave his word of honor that there would be no further aggression against the Czechs. Did you know that?

A No, I didn't know that.

Q This meeting that took place in London, I mean the meeting that took place when the Englishmen were present--

H0079-0035

A In Husum, yes.

Q Who was the Swedish person who was present?

A Herr Dahlerus was the Swede who was present.

Q Who were the English who were present.

A There were six to eight English economic experts. The names I don't know.

Q And at that time--by the way, have you fixed the time of that? What was the date?

A I can't say precisely. It was the beginning of August.

Q Wasn't it August the 7th?

A I can't say.

Q Was Mr. Dahlerus there?

A The question was whether Dahlerus was there? I can't remember one hundred percent; I only knew that I spoke with my lawyer and he said that Dr. Dahlerus was there, but I can not swear one hundred percent that he was there. I assume he was. The defense counsel Dr. Stahmer told me that he was there, that was the reason why I said previously that Hermann Goering and Dahlerus were present at that conference.

Q And the subject under discussion was the Polish relations with the German Reich?

A Not about Polish questions but relationships between England and Germany. There was no talk of relationships with Poland.

Q And Goering wanted the English gentlemen to see that England didn't attack Germany?

A He didn't press it quite that way; he said, as I have already stated, the English gentlemen should, when they return home, work in the same way that he was working for peace and to make their influence felt in important circles.

Q Now, wasn't that said in connection with the Polish negotiations that were then going on?

A I can not remember that any mention was made of such negotiations.

Q Were you with Hermann Goering when the Polish war broke out?

A When the Polish war broke out I was in Berlin.

H0079 - 0036

Q Were you still in your office under Hermann Goering's command?

A Yes, I was under Hermann Goering's command.

Q When did you first begin preparing for a movement of your forces in the direction of Poland?

A I can't make any definitive statement on that subject; that was a matter with which the General Staff was concerned. I know only that in the time before the beginning of the war the General Staff several times visited the High Command of the Luftwaffe, Hermann Goering, and that this matter was discussed. I myself am not oriented with what or how many forces were to be used in the Polish campaign.

Q Were you present at the time the conference in which Hermann Goering informed that he, right after Munich, had orders to multiply the air force by five?

A I can not recall any such discussion.

Q You know that the air force was greatly enlarged after Munich?

A No, I don't know that. There was a plan that the Luftwaffe was augmented, but I can not say at all what the German Luftwaffe, at the beginning of the Polish war, had either in the way of leaders or armament or materiel.

THE PRESIDENT: Mr. Justice Jackson, would you like to adjourn now or would you like to go on in order to finish?

MR. JUSTICE JACKSON: This would be a convenient time; I am sure we can't finish before lunch hour.

THE PRESIDENT: You would like to adjourn now?

MR. JUSTICE JACKSON: Yes, sir.

THE PRESIDENT: Very well.

(A recess was taken until 1400 hours.)

H0079 - 0037

Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 8 March 1946, 1400-1700, Lord Justice Lawrence presiding.

THE PRESIDENT: We will have no open session tomorrow.

GENERAL RUDENKO: I want to say a few words with respect to the subject of defense. The Defense referred to a document this morning, saying that it did not have the document with regard to Katyn. I want to report right here that on the 13th of February of this year this document, USSR 54, consisting of thirty copies, all in the German language, was given to the Document Room for purposes of the Defense. We did not think that we had to present the document to each attorney for the Defense separately. We considered that if the Document Division received the document, the attorneys for the Defense would receive the copies.

This is all I want to report here.

DR. LATERNSER (Counsel for the General Staff and the OKW): There must be a misunderstanding about the number of this document. At that time, in open session, the Russian Prosecutor submitted a document under the number, USSR-64. USSR-64 has not been distributed. I have not received it, and upon request at the Information Room of the Defendants' Counsel, upon two requests, I have not received it.

THE PRESIDENT: Well, we will inquire into the matter.

GENERAL KARL VON BODENSCHATZ resumed the stand and testified further as follows:

CROSS-EXAMINATION

BY MR. JUSTICE JACKSON:

Q Previous to the Spring of 1943, as I understand you, Hermann Goering was a man of great influence in the councils of the Reich?

A Before the year 1943 -- or until the year 1943, Hermann Goering always had access to the Fuehrer and his influence was important.

Q In fact, it was the most important in Germany, outside of the

H0079 - 0038

Fuehrer himself, was it not?

A Within the Reich he had great influence, very great influence.

Q Air power was his special mission and his special pride, was it not?

A He was, as an old flier, very proud to be able to build up and lead the Air Force.

Q He had more confidence in air power as a weapon of war than most of the other men of his time, didn't he?

A At any rate, he was convinced that his air force was very good; but I have to repeat what I said before: At the beginning of the war, in the year 1939, this stage had not been reached by the air force. I repeat that at that time the air force was, as far as leadership and material were concerned, not ready for war.

Q But ever since you first went with Hermann Goering you had been rapidly building up the air force, had you not?

A The building up of the air force went relatively fast.

Q And when you first went withGoering -- I have forgotten what year you said that was.

A I came to Hermann Goering in 1933. At that time there was no supreme commander of the air force, just a Reich Commissariat for Aviation. But even at that time the beginning of the building up of the air force -- the first beginnings -- started. However, it was only after 1935 when the freedom of building up the force was declared, that it was speeded up.

Q And the building up of the air force was very largely in bombers, was it not?

A It was not bombers in the main; it was mixed -- fighters and bombers both.

Q Goering also had charge of the four-year plan?

A He had received the mission from the Fuehrer to execute the four-year plan.

Q He also held several other offices, did he not?

A Hermann Goering, besides being Supreme Commander of the Luftwaffe, was charged with the four-year plan before, at the beginning of the seizure

H0079 - 0039

of power. He was minister for the Interior in Prussia, and Minister — President, President of the Reichstag and Reich Forestry Minister.

Q I notice that you use here -- as you have used in your interrogations by the United States -- the expression "seizure of power." That was the common expression used in your group, was it not, to describe the coming to power of Adolf Hitler?

A In this sense, no. It cannot be said in this sense. At that time it was completely legal. It was just that the National Socialist was the strongest party, and the strongest party nominated the Reich Chancellor and had the strongest influence. It cannot be understood in such a way, that they assumed power, but they had the most important position among the parties that is completely lega, by election.

Q You want to change the word "seizure," do you?

A Yes, I have to change that. It is more an expression which was circulated in the press at that time; it was common usage in the press.

Q Hermann Goering got along without any open break with Hitler until 1945, didn't he?

A Until the year 1945 there was no open break. It was only at the end, as I have said before, the arrest.

Q The arrest was the first open break that had occurred between them, is that right?

A Yes, the first big break, which could be seen from the outside. But since the year 1943, as I have said before, there was already -- in the attitude of the two men -- an estrangement.

Q That was kept from the German public, was it not?

A That was not visible from the outside. It was a development which had taken place from the Spring of 1943 to 1945 -- first to a small extent, and then the tension became greater and greater.

Q When the arrest was made it was made by the SS, was it not?

A I have only heard that, that at Obersalzburg allegedly a unit of SS had arrived and arrested Hermann Goering in his small house and kept him there. As to that, perhaps the witness to be questioned later, Colonel von Brauchitsch, -- who was present at this address and who was arrested himself -- can give more details.

Q You were not arrested by the SS, were you?

H0079-0041

A At that time, since the 20th of July, 1944, when I had been seriously injured, I was in the hospital. I was close to Berchtesgaden, at Bad Reichenhall, for recuperation.

Q Whenever there were conferences which you attended, was it not the custom at the conclusion of Hitler's address to the group, for Goering as the ranking man present, to assure the Fuehrer on behalf of himself and his fellow officers of their support of his plan?

A Of course, I was not present at all conferences. I only was listener at this particular conference. These conferences in which I took part -- it happened on and off that the Reichsmarshal at the end made a remark and assured that the will of the Fuehrer would be executed, but at the moment I cannot remember any particular conference of that kind.

H0079-0042

Q You can not remember any conference at which he did not do it either, can you?

A Yes, it was not always done. Just the contrary. It was not the rule that he did that. In the Reichstag Hermann Goering always made a speech at the end, after a session had ended, and in these speeches he expressed his confidence in Adolf Hitler.

Q Did he not do that at every meeting of officers at which the Fuehrer was present?

A I would ask you to repeat the question. I have not quite understood it. I beg you to excuse me, but due to my injury, I would like to say, I have lost fifty per cent of my hearing, and therefore I beg you to excuse me if I ask to repeat.

Q Quite all right, sir. Do you know of any conference between Hitler and his High Command at which Goering did not close the meeting as the ranking officer present by making assurances of support to Hitler's plan.

A There were many conferences--most of the conferences--where nothing was said at the end; when the Fuehrer had finished, that was the end of the meeting.

Q In 1943 when Goering began to lose influence with Hitler, it was a very embarrassing time for Goering, was it not?

A Hermann Goering suffered from this fact. He said frequently to me that he would suffer very much from that.

Q From the fact that the Fuehrer was losing confidence in him? He was suffering from the fact that the Fuehrer was losing confidence in him? Was that what was causing his suffering?

A That may have been part of the reason, but it came to differences of opinion about the Luftwaffe.

Q Now, in the spring of 1943, it was apparent to you and apparent to him that the war was lost for Germany, was it not?

A I can not say that. The Reichsmarshal never made a statement to me in 1943 that the war was lost, but that there were great difficulties; that it would become very dangerous, but that the war was finally lost, I

H0079 - 0043

can not remember that the Reichsmarshal in the spring of 1943 should have made a statement of that kind to me.

Q The Reichsmarshal had given his assurance to the German people, had he not, that it would not be possible for them to be bombed, as Warsaw, Rotterdam, and other cities were bombed?

A In this form, as much as I know, he did not give the assurance. He said before the war when our air force was growing, and at the beginning of the war, when there were great successes in Poland and in France and they were very obvious, he said to the German people that the air force would do its job and do everything to prevent, to keep away from the country bombing attacks. There was reason for that, and that the development later was a different one--that could not be seen at that time.

Q Then he had given his assurances to the German people, had he not, that the Luftwaffe would be able to keep enemy bombers away from Germany?

A I can not remember that he gave an official assurance to the German people in the form of a directive or of a speech. At times when one spoke about that, the German air force, after the successes in Poland and France, was at the peak. An official proclamation or declaration or statement to the German people--I don't know anything about any such.

Q In all events, it became apparent in the spring of 1943 that any such assurance, if it had been given, was misleading?

A In the year 1943 the conditions were entirely different, due to the fact that the British and American air force in so large numbers came into the play.

Q It was also true that the air defenses of Germany were proving entirely inadequate to cope with the situation; is that not a fact?

A The air defense of Germany was very difficult, since the entire defense was not depending only on the air force crews, but it was also a radio, technical war, and in this kind of war, it has to be admitted that the enemy was essentially better off than we were. It was not only a war in the air, but it was also a radio war.

H0079-0044

Q It had become apparent that Germany could not cope with it; is that not a fact, by 1943?

A Yes, in the year 1943, it was not a hundred per cent clear. There were low and high points. There were efforts made to increase the strength of the fighters, the per centage of the bombers; it was not one hundred per cent obvious that the enemy air force could not be countered successfully. That could be seen only from the middle of 1944.

Q The Fuehrer lost confidence in Goering as the bombing of German cities progressed, did he not?

A Yes, indeed, from that moment on when the British air force started with their large attacks on German cities; specifically when the first great British air attack on Cologne took place. From this moment on it was obvious that there were differences of opinion, first of a lighter nature, between the two gentlemen.

Q And Hitler accused Goering, did he not, of misleading him as to the strength of the air defenses of Germany?

A I do not know that at any time the Fuehrer accused the Reichsmarshal of any such. Discussions between Hitler and the Reichsmarshal were, in spite of all tensions, very moderate. The criticism, allegedly, was getting worse in 1944 and 1945, but I was not present because, since 20 July 1944 I was retired.

Q I did not intend to imply that the Fuehrer accused him of an intentional misstatement, but he had misled him or had misunderstood the strength of Germany's air defenses. Was that not generally understood in your circle?

A Of the misleading there could not be any idea. The reports which the air force made to the Fuehrer were always correct. Even the weaknesses were reported to the Fuehrer at all times.

Q What were the efforts that were made by Goering, that you refer to as tremendous efforts, to recapture his influence with the Fuehrer?

A The Reichsmarshal, whenever there were such conferences, asked through me that he might participate. The Reichsmarshal came more frequently than usual to the Fuehrer's headquarters, and he told me also,

H0079 - 0045

"I'll try everything to get into the right relations with the Fuehrer again". He said that personally to me.

Q He was particularly careful after the spring of 1944 not to do anything that would offend the Fuehrer?

A About the year 1945 I can not say anything any more because then I was no longer active. I had no contact any more.

Q Now, this bombing of German cities had become very very troublesome from the point of view of the German people's criticism of the government, had it not, in 1944?

A The German people have suffered terribly under these bombing attacks, and I can only say one thing--that Adolf Hitler suffered most from it. If one has seen that, if one has been present when the bombing of a German city was reported to him, he was deeply moved. Likewise the Reichsmarshal, because the terrible details of such bombings were tremendous. I have seen such bombings in Berlin. Whoever has been present will never forget it.

Q And this was all becoming very embarrassing to Hitler and to the Reichsmarshal, was it not, to explain to the German people why this was going on?

A That had not to be explained, because the German people felt it. An explanation has not been given. It was only said that all measures would be taken to prevent such things.

Q And you knew at that time, and the Reichsmarshal knew, that no measures could be taken that would prevent it?

A No, no, no. I pointed out before that it was a war on the field of broadcast techniques, and there were moments when in the defense we could cross the measures of the enemy if we found a means to hit him.

Q When you made the announcement to the German people that all means would be taken, you had then no means at your disposal, that you knew of, to use, did you?

A O, yes, indeed.

Q What were they, and why were they not used?

H0079-0046

A The reference is to the following means. The most important areas were protected by flak, and there were radio technical means, because the stations would have made it possible to disturb the reports in enemy planes.

H0079-0047

Q The movement to satisfy the German people under the bombing attacks was a matter of great concern to the Reichsmarshal, was it not?

A The Reichsmarshal was very much interested to see that the population would be informed.

Q And see that the population was satisfied, were they not?

A It is easy to say "satisfied". He could only assure the German people that he would do anything in his power to stave off these attacks.

Q Now, had you seen the Reichmarshal and Hitler when the reports came in of the bombing of Warsaw and of Rotterdam and of Coventry?

A I cannot remember whether I was present when the reports came.

Q You never saw any such reactions on their part on thse bombings at that time?

A I only know that Warsaw was a fortress which was in the hands of the Polish Army, and there were strong forces, artillery. The forts were manned, and two or three times Adolf Hitler announced that the cities should be evacuated by civilians. That was refused. Only the foregin embassies were evacuated. The Polish Army, which was in the city and defended the city and, that is to say, in a very dense circle of forts, even from the center of the town, heavy artillery was firing outside. The fortress of Warsaw was therefore attacked and also by the Luftwaffe, but only after the ultimatum, that is the request from Hitler, was refused.

Q Was Coventry a fortified city?

A Coventry was no fortress. Coventry, however, was a city on which the key industry of the enemy air force was, in which the aeroplane motors were built, a city which, as I know, many factories and m ny parts of these aeroplanes were manufactured inside the city. The air force at that time, that I know, had the order only to bomb the industrial targets. If the city has lso been hit, then that is only to be explained by the means of navigation at that time.

Q You were interrogated in November of 1945, were you not, by Colonel Williams?

A Yes, I was interrogated.

Q And Colonel Williams asked you about certain fictitious incidents along the German-Polish border late in August '39, did he not?

A Yes, he asked me about that.

Q And would you care to tell the Tribunal what you know about the fictitious incidents along the Polish border?

A I do not know anything positive. I was asked by Colonel Williams whether I knew before about the incidents of the Gleiwitz Broadcasting Station. I told him, no, I didn't know about it. It was only that the incidents at the Polish border were very similar to those which happened at the Czech border, and that is just an opinion of mine. It may be they were intended, but a positive evidence according to anything which would have been put in, seen by our side, I did not have.

Q Did you not tell him on the 6th of November 1945, as follows:

"I heard about it, but I personally at that time had the feeling that all these provocations that had taken place had originated from our side, from the German side. As I said, I had no real proofs of that, but I always had that feeling.

Did you not say that?

A Yes, I said that.

Q And that you had talked with people about this from whom you got that feeling; is that right?

A I cannot remember that very well now. I only know that from the press. The report from the press gave me that suspicion.

Q You were asked, were you not, this question and gave this answer:

"Q. But you are of the opinion that what appeared in the press and these incidents that were reported were not true, but done merely to cause an incident as an excuse for an invasion?"

And did you not make this answer:

"A I had that feeling. I cannot prove it, but I definitely know I had a feeling that the whole thing was being engineered by us."

Did you not make that answer to that question?

A Well, the minutes will show it, such as you have read now. If it is in the minutes, I have said it, but at the moment I cannot remember the words.

Q You do not deny the fact, however?

A As a matter of opinion, that was a very subjective opinion, very personal opinion.

Q Well, it was you opinion?

H0079-0048

H0079 - 0049

A Yes, sir.

Q Now then, I ask you whether you were not interrogated about the Fuehrer's desire to make war on Poland and whether you did not give this answer:

"Gentlemen, this question is very hard to answer, but I can state under my oath that the Fuehrer actually wanted the war against Poland. I can prove that he actually wanted a war of aggression against Poland by all the surroundings and the remarks that were made around the Fuehrer. I was present during the night when Hitler gave Henderson his conditions that he wanted Danzig, and I concluded from all the conferences that the Fuehrer had with the ambassador--I had the impression that the Fuehrer did not really want the Poles to accept those conditions."

And I ask you if you made those answers to Colonel Williams?

A I can say the following:

I was not present at the conference. If I said that, I didn't express it correctly. I was not at the conference that the Fuehrer had with Henderson, but I was, as the other adjutants, standing in the anti-chambers and only there in the hall one heard how they talked among each other, and one said this, the other said that, and from these talks I gathered that the conditions which Henderson received for the Poles in the evening--that the deadline for the answering of these questions was given for the noon of the next day, and it was so short that you could assume that there was some intention behind it.

Q Well, that is the impression that you received from being in the anti-room and talking with the people who were about Hitler that night?

A There were adjutants, the Reich press chief, and the gentlemen who were waiting in the anti-room without taking part in the conferences.

Q I will ask you, in order to make this very clear, one more question about your interrogation on that subject. Were you not asked this question:

"Then we can summarize your testimony this morning by saying that you know in 1938, several months before Germany attacked Poland, that Hitler fully intended to attack Poland and wage an aggressive war against her; is that right?

And did you not make this answer:

"I can only say that with certainty, from the night when he told Henderson he wanted Danzig and the streets to the Corridor, from that moment I was sure Hitler intended to wage aggressive war."

Where you asked that question and did you make that answer?

A If it is in the minutes, I have said that.

H0079 - 0050

Q Well, if it were not in the minutes, it would still be your testimony now, wouldn't it? It is a fact, isn't it?

A My definition is that it is quite precise to say that from the submission of the request by Adolf Hitler to Henderson and the short time that Henderson was granted, I assume that there was a certain intention. That is the way I would like to formulate it precisely.

Q I will ask that you be shown Exhibit L-79, United States Exhibit in evidence, 27. You have seen that before, Mr. Witness?

A Yes. A copy of this document has been shown to me by Colonel Williams, and I have told him that personally I cannot remember that I was present; but if it says so, if my name is on the minutes, on the document, then I was there.

Q But your name is on the document, isn't it?

A Yes. Then I was there. I cannot remember the content of this conference. I told Colonel Williams presumably what has been spoken about, because Colonel Schmundt has marked it down in writing and I got a copy. Colonel Schmundt is a man who was very exact about his notes, very conscientious about his notes.

Q That is all in his handwriting?

A It is here, as I see it here.

Q And it is signed by Colonel Schmundt?

A It is signed by Lt. Colonel Schmundt. The corrections are not in his handwriting.

Q But the body of the document is in his handwriting?

A I didn't understand.

Q The body of the document is his handwriting?

A Yes; that is his own handwriting. I know it, yes, sir, indeed.

Q And when you were asked about that by Colonel Williams, you took time to read it, and then you said, did you not: "I think that the thoughts are right as they are expressed here; these are the thoughts that the Fuehrer usually voiced to us in a small circle"? You made that statement?

A Yes, I have said that, yes.

Q And you said that. "I cannot remember whether these things were expressed on that day. However, it is possible the thoughts that are put down

H0079 - 0051

here are the thoughts of Adolf Hitler." You said that to Colonel Williams, did you not?

A Yes, I said that to Colonel Williams.

Q I will ask--that is all I care to ask about that.

I now ask to have shown to you the original exhibit, United States Exhibit 798-PS, United States Exhibit 29 in evidence.

A To my knowledge this was also shown to me by Colonel Williams.

Q That's right. You said, did you not, that you did not recall whether you were present but that the thoughts that were expressed --

A (Interposing) I have said that the thoughts, as far as the thoughts are concerned, are correct.

Q They are correct. That is all about that.

A But I have to say one more thing. I have tried to talk to Colonel Williams and could not reach him. Probably I have listened to this discussion, this meeting.

Q Well, we will take that statement now and excuse you from looking for Colonel Williams.

I ask to have shown to you Exhibit 3474-PS, United States Exhibit in evidence, Number 580. Is that your hand writing?

A It is my handwriting.

Q And signed by you?

A Yes, sir.

Q And it is a note of a conference of the 2nd day of December 1936, is it not?

A Yes.

Q You prepared this memorandum for your files; is that right?

A I don't know to whom I gave this.

Q Well, it says the notes for the files on that discuss ion; is that correct?

A That is a note for the file, yes.

Q Goering was present at that conference; is that correct?

A Yes. He may well have conducted that meeting.

H0079 - 0052

Q In fact, the note says he conducted it, doesn't it?

A Yes.

Q Now, there was also present Milch, Kesselring, and all of the others who are named in the list at the head of the note.

A Yes.

Q And you then recorded that Goering told--oh, by the way, all of those men were men connected with the armed forces of Germany, were they not?

A Those were all men from the Air Force, Luftwaffe, the leading men. General Milch was active in armament. Kesselring, I believe, chief of staff. They were all gentlemen who were in leading positions.

Q All concerned with the Air Force you say. And this meeting was held on the 2nd of December 1936. Are we correct about that?

A yes.

Q Then Goering opened the conference by saying "The world press is excited about the landing of 5,000 German volunteers in Spain. Official complaint by Great Britain. She takes up connection with France." Refreshing your recollection, that is what occurred, is it not?

A Yes.

Q Then Goering said "The general situation is very serious," and that he took over full responsibility, did he not?

A Yes. "The conditions are very serious. England is rearming also, and we have to get into a state of readiness."

Q Now, he next said, did he not, that "Silence until 1941 is desirable. However, we cannot know whether there will be implications before. We are already in a state of war. It is only that no shot is being fired so far." Did he say that?

A That is stated in this protocol, in these minutes.

Q And he also said, did he not, that "Beginning January 1, 1937, all factories for aircraft production shall be run as if mobilization had been ordered."

A Well, that must have beer said if it is here in the text.

Q Well, it is there in the text, isn't it?

H0079 - 0053

A Yes, it is here contained in the protocol.

Q Now, you have testified that Goering had no prior knowledge of the action taken against the Jews on the night of November 9 and 10 of 1938.

A I saw that in the fact that on the next day he came to me and was very worried.

Q He was informed about them the next day?

A The next day that was in the press, in the newspapers.

Q You said that he complained about the people who instigated them.

A That I was told by Captain Wiedmann, who was here in prison with me in captivity. He has told me that Hermann Goering, a few days after, came to the Fuehrer with matters of evidence and compalined to the Fuehrer.

Q What did he complain about?

A Wiedmann told me--and I did not hear that from Hermann Goering myself--but Wiedmann tdd me that the people who caused that had been Heydrich and Goebbels, and he complained about them.

Q And Heydrich and Goebbels were both officials in Hitler's regime, were they not?

A Dr. Goebbels was Minister of Propaganda, and Heydrich was Chief of the Gestapo.

Q So immediately following these pogroms, Goering knew and complained to Hitler that they had been incited by the officials of the Nazi regime.

A About the details as to what was spoken about I don't know. Captain Wiedmann can say something about that.

Q Goering was then at the height of his influence both with the Fuehrer and with the country, wasn't he?

A He had at that time the greatest influence.

Q And I understand you to say that he immediately called a meeting of Gauleiters.

A The meeting of Gauleiters was a few weeks later. I was not present. I heard about it from the former Gauleiter of Styria, Dr. Ueberreiter, who is in captivity here together with me. This Gauleiter Ueberreiter took part in that meeting.

H0079 - 0054

Q How long did he wait before he called the meeting?

A Dr. Ueberreiter told me that it was a few weeks after.

Q Well, did you know about his holding a meeting on the 12th of November 1938 at his offices in the Reich Ministry for Air?

A I cannot remember that.

Q And do you remember that he had present at that meeting Heydrich and Goebbels and many others? Is that the meeting to which you refer?

A Well, in this case it would be necessary to ask Dr. Ueberreiter who was at that meeting. He told me, Ueberreiter, that besides the Gauleiters there were other people present.

Q And it was the custom of Goering to keep minutes of the meetings that he conducted?

A Hermann Goering always had stenographers present, and the stenographers took minutes of such meetings.

Q And you want us to understand that Goering was shocked and offended by what had happened to the Jews on the night of the 9th and 10th of November 1938?

A It was not as he wanted it, because he said it would be a great injustice. It would be unreasonable economically, and it would harm our prestige in foreign countries. Dr. Ueberreiter told me in that sense Goering had spoken to the Gauleiters.

Q Was it known to you that on November 12, two days after those pogroms, Goering promulgated the order fining all of the Jews a billion Reichsmarks, confiscated their insurance, and passed a new decree excluding them from economic life? Did you know about that?

H0079 - 0055

A I have heard about the formulating of the regulation. I had nothing to do with that; I was only the military adjutant.

Q These decrees were promulgated two days after this pogrom that you say he complained about, is that right?

A The precise date I do not know.

JUSTICE JACKSON: That is all.

MR. GRIFFITH JONES: May it please the Tribunal, I have only one matter which I want to make clear.

BY MR. GRIFFITH JONES:

Q You have referred to a meeting which took place in Schleswig-Holstein in July or August of 1939, at which Goering met a number of Englishmen, and you described those Englishmen, the first time you mentioned them, as members of the government, and the second time you mentioned them I think you referred to them as economic specialists?

A According to my knowledge at the present, they were English economic leaders; no members of the government.

Q I am obliged to you. Would it be correct to say they were leading industrial and business gentlemen with no connection with the government whatsoever?

A I don't know to what degree these gentlemen were influential. At any rate, Hermann Goering said at the end the gentlemen should use their influence with important people in England to further the peace.

Q Do you know that that conference between Goering and those gentlemen took place at the instigation of Dahlerus?

A Dahlerus is alleged to have brought about this connection, but I was brought to that thought in a discussion with Doctor Stahmer, who told me about that thing before. Doctor Stahmer told me that he knew Mr. Dahlerus had asked these gentlemen to come to Germany. Only after this information I assumed that Dahlerus asked these people to come.

Q Do you know that it was the object of Mr. Dahlerus that leading German and English personalities should meet, in order that they should understand one another's points of view?

A Mr. Dahlerus was later again in Berlin after that meeting, and on that occasion, in conversations with him, I gained the impression that

H0079 - 0056

he was greatly interested that between Germany and England a peace should be conserved, and that he, Reichsmarshal Goering, tried to establish this connection with important British circles.

Q One last question to you. Do you know that in arranging that meeting and throughout the course of the negotiations thereafter Dahlerus stressed the British point of view to Goering and in particular tried to impress Goering with the fact that the English were losing their patience with the policy of aggression being pursued by the German Government?

A I cannot remember this thought which you mention now. I cannot remember that I have spoken to Dahlerus about that.

THE PRESIDENT: Any other questions to ask?

Dr. Stahmer, do you want to examine?

DR. STAHMER: I have only one more question.

REDIRECT EXAMINATION

BY DR. STAHMER:

Q In the minutes of 2 December 1936, which were shown to you before and which you have before you, there is one paragraph which has not been read entirely. In my opinion it is very important for the interpretation and for the sense and meaning of that meeting.

It says there, "General conditions are very serious. Russia wants war. England rearms strongly. Therefore, order from today highest readiness, No consideration for financial difficulties. Colonel General assumes full responsibility."

Is this "Order highest readiness from today on" only because Russia, as it says here, wants war and England rearms strongly? Was that the motive?

A What?

Q Was the motive for that "Order highest readiness from today on" the general situation being serious? At any rate, there was no intention of attack but defense?

A Please repeat.

Q There was no intention of attack but only a measure of defense, in my opinion.

A There was not connected with that the intention of attack but

H0079 - 0057

the thought of defense.

Q If it says here "Colonel General assumes full responsibility", that could be understood to refer to the fact that no consideration should be taken of financial difficulties?

A That refers to financial difficulties, because the Reichsmarshal had frequent controversies with the Reich Finance Ministry, because the Luftwaffe had too high expenses.

DR. STAHMER: Thank you. I have no more questions.

THE PRESIDENT: The witness may retire.

H0079 - 0058

DR. STAHMER: As next witness I should like to call General Fieldmarshall Erhard Milch.

ERHARD MILCH, took the stand and testified as follows:

BY THE PRESIDENT:

Q What is your name?

A Erhard Milch.

Q Repeat this oath after me:

I swear by God the Almighty and Omniscient that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

You may sit down if you wish.

DIRECT EXAMINATION

BY DR. STAHMER:

Q Witness, have you taken part in the First World War?

A Yes.

Q In what position?

A I was First Officer in the artillery and at the end captain of the flyers.

Q After the end of the First World War when did you leave the army?

A In the spring of 1920.

Q What were your activities after you left the army?

A I went to civil aviation.

Q When did you re-enter into the Wehrmacht?

A 1933.

Q In the air force?

A Yes.

Q What position did you have when the Second World War began?

A I was Colonel General and General Inspector of the Airforce.

Q When did the military rebuilding of the Airforce start?

A 1935.

Q To what extent?

A A defensive airforce was built up.

Q Can you give us more details about that?

H0079 - 0059

A In the year 1933 Germany had left the League of Nations, and therefore also the Disarmament Conference. Consequently, the question of whether disarmament should continue had been attempted by Hitler in discussions with other nations, and when this did not work out Germany re-armed. Consequently, Germany counted on the fact that it would have to have military force in the air also, and for that an airforce had to be created which would be sufficient for the defense of Germany. That manifested itself first in the establishment of fighters and then artillery.

Likewise, the organization of the German Airforce was organized defensively, consisting of four Luftkreise, which should be imagined by a cross over Germany. There was northwest, northeast, southwest, and southeast. The strength of the Airforce, such as it was organized, was not planned for an aggressive war or a large war as such. Besides fighter planes there were also bombers, but these bomber formations were always called the air defense. That is to say, if possible they should avoid that any of the neighbors of Germany start a war against Germany.

H0079-0060

Q Which were the relations, how were the relations of the German Air Force to the air forces of a foreign country after 1935?

A In the first years after 1935, Germany had no air force; one could not call it that. The first units, the first largest schools that were established -- and also during these years, the industry was established; before, the rearmament industry had been very small. I happen to know that the number of workers in the entire airforce industry, at the time of the seizure of power by the National Socialists, was about 3,000 to 3,500 men -- constructors, technicians and administrative personnel.

The first contacts with foreign countries in the field of aviation were started in 1937 and at that time, in January 1937, an English Commission under Air Vice Marshal Courtney with three other officers. He was the chief of the intelligence service of the British Air Force, and they came to Germany. I was with that Commission, myself, during these days and was guiding them, caring for their requests concerning what they wanted to see, that is to say, they were the first units which we had established -- first our training unit, in which all new models were tried out. Furthermore, we showed them industries, schools, and what else the gentlemen wanted to know. At the end of our conferences, the English Vice Marshal suggested an exchange of plans from German and English sides. I got the agreement from my commanding officer, as I received it at that time, at the time we submitted to the British side the plans for '37, '38 and I believe '39, and we received from the English side also the figures in question. We agreed that also in the future, that if changes in plans should occur or new units should be established, that again an exchange of the material should take place, and that was the beginning of further contacts.

In May of the same year, 1937, I was, with several other gentlemen, as representative of my commander in chief, I was invited to Belgium to a visit of the Belgium Air Force; then in July --

Q How was this visit in Belgium; can you tell me some more about that?

A It was a very cordial reception. I made the acquaintance of the War Minister, the Foreign Minister, the Prime Minister, and also His Majesty the King and the officers of the air force who, of course, were there also. There was a very friendly conference in which the Belgians assured them of their feelings of friendship for Germany.

Q Was there also an exchange of material?

H0079-0061

A No, not that, but we have shown to the Belgians even later in Germany, what we had, when the Chief of the Air Force, General De Vivier, returned the visit, made his return visit. Then there was a large international meeting in the summer in July 1937, at the air meeting in Zuerich. At this meeting we have shown our unit models and fighters, bombers and Stukas and also our newest models of motors and anything that would be considered interesting from an international point of view. There was a large French, Italian, Czech, Belgium Delegation besides the Germans, and on the basis of the material which we displayed to the British Officer's Commission, wanted to take part in the English thing. I went to the French, the British, and to the other nations, and we have displayed and shown the material in a friendly way. There was, for instance, the Messerschmidt fighter 109 with all improvements, which was flown until the end of the war, with varied improvements; the newest Dornier bomber type, the newest Stuka, Daimler, by Junker, likewise motors, Benz 661, and Junker.

THE PRESIDENT: I don't think that this amount of detail is of any interest to the Tribunal.

BY DR. STAHMER:

Q Will you speak more explicitly.

A Then in October 1937, there was an invitation to France from the French Government, also to visit the French Air Force. The visit was in a very friendly manner. A short time after, there was a visit to England, a return visit for the visit of Marshal Courtney. Here, also factories, organizations, schools were shown, also industry; the Shadow (?) industry, and industry which created peacetime goods in order to be able, when the war started, to start creating war materials. There was also visits with Sweden, and I think that concludes it,

Q Did you take part in the Fuehrer meeting on the 23 May 1933?

A Yes.

Q In what function?

A I was called on the morning of that day suddenly because the Reichsmarshal was not there.

Q Do the remember the details of this meeting?

THE PRESIDENT: Dr. Stahmer, did we get the date rightly? The date we got was the 23 May 1933.

H0079-0062

DR. STAHMER: 1939.

BY DR. STAHMER:

Q 1939; that was the meeting which you have mentioned.

A On 23 May 1939.

Q Do you remember the course of this conversation?

A The Fuehrer made a long speech before the three commanders in chief, army, navy, and air force, and the chiefs of staff. There were several other persons present. The main contents were, that Hitler declared he had decided to solve the question of the Corridor across the Corrido in one way or another and in connection with that, he discussed the possibility of conflicts which could start as a consequence in the West. It was mainly a speech, not a discussion or a conversation.

Q Was anything else discussed or presented; do you remember other details?

A Yes, there was just the question whether the West -- probably he was thinking that France would keep quiet -- whether the West would do something about it.

Q Was there any question of the attack on Poland?

A Yes, as much as I remember, only the question of solving the Corridor problem; but, of course, I have understood it to mean that it had to be solved at any rate. First, of course, one would think of negotiations but if these negotiations would not lead to a solution, then a military solution would be the only one.

Q Were there any more discussions about it?

A No, it was ordered that any discussion of the participants was forbidden; it was forbidden for me to inform the Reichsmarshal who was not there. It was declared that he would do that himself, that Hitler declared that he would give him the information himself. I remember that at that time also the same order was issued or was mentioned, which is known as "Fuehrer Order No. 1 and had to be displayed in every office, that nobody had to say anything any sooner than it was necessary, and that one had to say only as much as the other was supposed to know.

Q Then you did not inform the Reichsmarshal about this discussion?

H0079 - 0063

A No, that had been forbidden.

Q When did he find out about it?

A I don't know.

Q What was the attitude of the then Marshal Goering to the war?

A I have always been under the impression that already at the time of the occupation of the Rhineland, he was worried that Hitler's policies would lead to war. In my opinion, he was against the war.

Q When did you find out for the first time that Hitler planned something against Russia?

A As much as I can understand and as much as I can remember, that was in the spring of 1941. May I look in my notebook? On the 13th of January, the Reichsmarshal told me that Hitler expected an attack from the Russian side against Germany; then at first, I did not hear anything further about it. The Reichsmarshal did not mention anything, did not say what his opinion was, his attitude was. At any rate, in the following weeks and months, I did not hear any more about it. Then, however, at that time, I was not very much in Berlin, not at all at the headquarters but I was at the various stations. When I returned -- and I do not remember whether it was in March or April -- one of my subordinates had the impression of surprise; he reported to me and he asked me the question whether we needed winter clothing in the war against Russia. I was very much surprised about that question because I had not been previously informed. I could only say that if there should come a war against Russia, then, of course, we need clothing for more than one winter, and I told him what I would think of winter clothing.

Q Did you speak a second time to Fieldmarshal Goering about the war?

A Yes.

H0079 - 0064

Q When was that?

A On the 22 May. I returned from one of my trips for the first time after sometime and I came into contact with the commander in chief again. That was in Feldstein, where Goering was at that time. There we discussed the question and I told him that, in my opinion, it is a great historical task for him to avoid war since this war could only end with the absolute annihilation of Germany. I reminded him that we should not start a two-front war on our own and the Reichsmarshal told me that he also had submitted all these arguments but that it was quite impossible to dissuade Hitler from this war, from the idea of this war. My offer that I would try to speak to Hitler against war once more was rejected by the Reichsmarshal as absolutely hopeless. One could not do anything. From these words, I can speak clearly and it can clearly be seen that he was against this war and that under no circumstances he wanted that war, but that also for him in his position, there was no possibility at all to dissuade Hitler from his plans.

Q Could it be construed from his words also that he had told Hitler about his objections?

A Yes, that was quite clear for me that he also spoke about the two-front war.

Q That he had presented that to Hitler also?

A He told me, but it was hopeless. I would like to say some more about the 23rd of May, about that conversation. After this conversation -- and based on the fact that the German Air Force hardly had any reserves and bombers, even bombs -- I made the suggestion that bombs should be manufactured. Hitler had, up to that time, considered it unnecessary and superfluous. In that question, there was a shortage of iron and after this conversation, I was under the impression that there would be conflict, and I had pointed out to him that the air force with its bomber fleet, that the air force with its fleet of bombers was not ready for action. The suggestion was rejected by Hitler again after the 23rd of May. He would say If and when we would need bombs, when he pointed out to me that the manufacture of bombs would take several months, he declared that there would be plenty of time for that later. From that I drew the conclusion -- and you know I could not talk to anybody about it -- that Hitler's words on the 23rd of May were not meant as seriously as they had sounded to me.

Q When was this last conversation concerning the refusal to manufacture bombs?

A That was--I have done that once after May, after the May conversation, because I knew about the conditions. I have again later during the summer; the latter part of the summer, I have pointed it out again but it was rejected again. The order to manufacture bombs was given by Hitler, although we had pointed that deficiency out before, that order was given on the 12th October 1939. Hitler said, if I remember correctly, as far as I remember, "My attempts after the campaign against Poland to come to peace with the West have failed. The war continues. Now we can and must manufacture bombs."

Q Did Hitler tell you or express to you that it was his serious desire to remain and to live in peace with the West?

A Yes. I was very short when we mentioned the visits. When I came back from France, I was with Hitler two hours on the Obersalzberg, to report to him

about the visit to France. Likewise, after the visit in England; about fourteen days, two weeks later, I also had to make a report of several hours to Hitler. He was very much interested and after the second report, that is to say, after the English visit, he declared "My policies are such and such; my actions will be such and such, but you can be assured, you can rest assured that I will always go with England. I have the tendency to go with England at all times." This conversation took place on the 2nd of November.

Q What year?

A The year 1937, the 2nd of November.

Q You talked about two conversations?

A Yes, the first was the report about the visit in France and the second about the visit in England. Hitler, who did not know foreign countries, was very interested to hear something from a soldier about the country and the arms and so forth.

Q What were the relations between Reichsmarshal Goering and Himmler?

A It was not always very clear to me. I had the impression that there was a rivalry on the side of Himmler. The relation was always very correct and very friendly but how they really stood, I could not say.

Q In May of 1942, there was an exchange of correspondence between you and the SS Obergruppenfuehrer Wolff?

A Yes, sir.

Q About medical experiments on inmates of the Camp of Dachau? Could you tell us anything about that?

A I have been interrogated about that question here in Nurnberg and my memory -- and I do not remember it any more. According to my memory, Wolff was adjutant to Himmler at that time; there was a letter from Wolff to me and the answer which I had given -- these letters were presented to me -- the question was about experiments, cooling; these letters were addressed to me only because he did not know Himmler, since he was of the Luftwaffe. The letters were sent to the Sanitaetsinspektion. It was not under my orders. The Sanitaetsinspektion has written in answer and presented it to me. I modified it a little and sent it out. I have not read a report which Himmler had sent. He also offered a system. I have not seen that. The Inspector, whom I asked what it was all about, told me that the air force was quite informed about both

H0079 - 0067

problems and that is the experiments about altitude chambers and they had been made by our own young doctors who volunteered for that. Likewise, the under-cooling could not bring us any results for the air force. We were both clear about it. We saw it clearly that we did not want to have anything to do with that. I asked what it was all about, these experiments, and he told me that criminals were submitted to these experiments. I asked in which way. He said in the same way as our young doctors and we must submit ourselves to these experiments. Then we sent him a letter which was very polite -- and you could not write any different to these people -- but we do not want to have anything to do with that thing. In this letter from Himmler, I had been asked to report to the Reichsmarshal about that question also.

H0079 - 0068

I had an impression that the SS wanted to play up before Hitler as to these experiments, and I told the Reichsmarshal during another report to other questions, that I remembered that thing briefly, because I could expect that one day he would be told about it by Himmler, one day, and then he would not do anything about that whole complex. The Reichsmarshal asked me when I told him such and such experiments were made, what does it mean, and I replied with the answer which I had received from the medical inspector. I told him we did not want to have anything to do with it, and he absolutely rejected it. He said he was exactly of the same opinion, and I should be very careful, that I should not treat these people badly, meaning the inspector. What it was all about, what was the experiment there about I do not know, neither do I know what had been done to these people; it is not clear to me.

Q Did the Reichsmarshal know?

A No, certainly not.

Q Did Dr. Rascher leave you sonner or later, and go to the SS?

A I could not say. I do not know Dr. Rascher, and that question of leaving our ranks and going to the SS, I had nothing to do with it. Dr. Rascher was not under me, nor the chief inspector, nor was the personnel office.

Q Do you know whether the Reichsmarshal Goering had ordered troops under his command, which said that the sabotage groups should be annihilated, or that carrier-flyers should be captured, and should be turned over to the SD for trial?

A No, I do not know anything about that.

Q Did you ever hear about it?

A No.

Q What was the attitude of the Reichsmarshal as to the flyers who were captured, generally?

A I used to speak to the Reichsmarshal --

MR. JUSTICE JACKSON: I think we have been very liberal. I think we have been very liberal in allowing all kinds of statements here, but it does seem to me this passes anything that is reasonable as to evidence. This

H0079-0069

witness has indicated that he has no knowledge of the subject; did not know of orders which are in evidence, and he assumes to state the attitude of the Reichsmarshal. I have no objection to his making any statement as to any facts from which this Tribunal may be informed on the attitude of the Reichsmarshal, but I think that for one witness to state the state of mind of another person without any facts whatever passes the bounds of what he can possibly go into here as to evidence. It does not help to solve the problem, and I respectively object to the question and answer as not constituting credible and relevant evidence on any subject before the Tribunal.

THE PRESIDENT: Dr. Stahmer, I think you should confine yourself to any facts and observations of the defendant Goering, as the witness just said that he never heard of any action against the enemy flyers at all. I don't think that you can give evidence as to the attitude of Goering about it.

DR. STAHMER: Mr. President, I should like to formulate my question as follows:

Q Did the Reichsmarshal Goering speak to you, Mr. Witness, as to how enemy flyers should be treated?

A No, he did not speak to me about that.

Q I have one more question. Did he speak to you about the fact that opposed any cruelty in the treating of the enemy; did he speak about the fact that he opposed in principle any cruelty against enemies?

A I was going to say that he said to me once before the war, that, in remembering the first World War.

Q What did he say about it?

A The fact they had been shot down they are our comrades, he said that.

DR. STAHMER: I have no more questions to put to the witness. I place him at the disposal of the defense or the prosecution.

THE PRESIDENT: Do any of you wish to ask this witness any questions?

BY DR. HANS LATERNSER: Mr. President, Dr. Laternser, counsel for the General Staff and OKW.

Q Mr. Witness, as you know the prosecution has considered, or has declared to a certain circle of people, that is, the leaders, as criminal.

H0079-0070

You probably know that circle?

A Yes.

Q Within the German Wehrmacht, was there ever such a grouping of offices; was that ever in existence even?

A I did not understand the question.

Q Had there ever been such a grouping of these same offices which now has been grouped in order to form that group; had they ever existed even before in the German Wehrmacht?

A I believe that as long as they were in the army, there was higher leaders who were grouped by their supreme commander.

Q Were the men in the offices -- in the positions who were occupied

H0079 - 0071

to develop military questions, or problems under orders of Hitler, or, did they on their own initiative develop the plans to present them to Hitler to have him educated?

A The military leaders have only acted upon the order of their superior, that is, the general air force on the orders of the supreme commander of the airforce, who got his orders from the supreme commander of the Wehrmacht, that was Hitler, and before him, Hindenburg.

Q Do you know anything as to the fact that this group of the General Staff and the OKW, as they are called now, if they ever had met collectively?

A Before they attacked in Poland only that part which was put into action there, these army leaders and navy commanders, were called by Hitler; they were called by Hitler, only that part which was to go into action in the West in the Spring, and the same was done before the attack in Russia.

Q Were you personally present at such discussions?

A Partly, yes.

Q Can you tell me how these conversations took place, especially, I should like to have one point clarified, that is, whether the higher military leaders had such conversations, or had an opportunity to make any suggestions, or counter suggestions?

A I remember one discussion before the campaign which took place over in Obersalzberg, and on the Wehrmacht, and a commander of the Army. Hitler sat before the desk, and the Generals sat in chairs next to each other, and he made a speech concerning the reasons of political precedent as he usually put it, and of his intentions. In this discussion any suggestions in the discussion on the side of the Generals was impossible. Whether there was any other conversations in their discussion about this, I could not say. I only knew of the speech of Hitler's. Then before the attack on Russia, there was another method used. He sat around the large table, and one after another of the leaders of the Army groups of the Army had to state their intents and methods of executing their orders, which they had received, and had to show it on a map, so that Hitler afterwards could declare his agreement, or say that he negatives it, or, in a case of differences he would suggest

H0079 - 0072

stronger, or less stronger action, and those were likely remarks.

Q Did these discussions have more a character of a briefing?

A Yes, definitely, they were briefings, briefings.

Q Can you tell me whether any member of the so-called group of the General Staff, and of the OKW, were there any members who made any suggestion to deviate from the International Law?

A I don't know anything about that.

Q Do you know anything about as to whether members of this alleged group had frequently been in touch with office of the high party members?

A In my opinion, no. I would like to say that for the majority of these Generals, it is clear that the supreme commanders of th Army centers, or of the chief of the OKW, had frequent conferences with the office, but the general commander of the high Fleet unit, or the Army had no opportunity to.

Q Between the members of those alleged groups, whether they were now Navy or Airforce, had there been discussions among those?

A It is dependant upon co-operation. That is to say, the Army or the Fleet. Of course, there had been conferences, but the relations were as if with the neighboring units it was issued, and then with the next one there was none.

Q Such conversation took place with regard to the solving of the entire task?

A Yes, only for that purpose.

H0079 - 0073

Q Within the Air Force, it is so that this group, this circle comprises the officers who had the position of chief of staff of the Air Force or commander-in-chief of the Air Force or of an air fleet during a certain time. I have a list here of those generals who belonged on the part of the Air Force to that group, and I should like to ask you concerning a few of them as to which rank and position these generals had had when the war started. What was the rank of General Korten?

A I cannot be very sure about that; either colonel or lieutenant colonel, in my recollection.

Q Do you know what position he had?

A I believe he was chief of staff at the Air Fleet Munich

Q Then, in October 1944 there was a General Kreipe, chief of staff of the Air Force. What was he when the war started?

A I presume major or lieutenant colonel.

Q Do you know what position he had?

A No, I could not say that at this moment. It may be that he was chief of staff of an air corps of the Air Force.

Q And what rank would he have had as chief of a unit of that kind?

A Between major and colonel; that depends.

Q General Koller was chief of staff for a short time of the Air Force. What was he when the war started?

A I believe lieutenant colonel.

Q Then I have only a few more names. Do you know which rank and position Colonel-General Dessloch had at the beginning of the war?

A I do not remember that; it may be major or general or colonel-general.

Q And General Pflugbeil?

A The same thing.

Q General Seidel?

A Seidel, I believe, was already major general at the beginning of the war.

Q And which position did he have at that time?

A He was general quartermaster in the general staff.

Q Which rank did that position have compared --

H0079 - 0074

A Well, it was about the commander of an army corps. As general quartermaster, you mean?

Q Yes. I still have a few questions concerning the Air Force and the highest military leaders. From your statement we could conclude that in 1939 the Air Force was not ready for war. To this point, could you possibly give me the reasons for this unpreparedness of the Air Force for war?

A In the few years from 1935--I have mentioned before the seizure of power--until 1939, it would have been impossible for any country to build up an Air Force which would have been big enough for the tasks which presented themselves after 1939. That is impossible. And it is neither possible to establish the units nor the schools and furnish the teaching staffs, nor is it possible to build the planes themselves which are necessary, and to develop the models and to build them. It is neither possible in that short period to train personnel with respect to the high technical standards which are necessary. Likewise, it is impossible in such a short time to develop the ground crews and to put them at the disposition of the Air Force and the industry.

THE PRESIDENT: A little slower please, witness. He says that it is impossible. That is sufficient. It should not be necessary to go into this detail on this subject.

DR. LATERNSER: I have only a few more questions.

Q Did the Air Force expect resistance when it marched into Austria?

A No. We knew definitely there would be no resistance. We didn't even take any arms with us.

Q How was the reception there?

A So friendly it couldn't be friendlier in our own country.

Q You, as field marshal, were you informed or had you been informed previously that a declaration of war to the United States was to be made?

A No.

Q In this trial there are serious accusations against German soldiers and their leaders on account of cruelties committed. Isn't it so that every soldier was instructed and informed about international law and the regulations?

A Yes. Each soldier had a so-called "Soldbuch", and on the first page there were all these regulations.

Q Can you give me examples for that?

H0079-0075

The points which were on this page?

A Yes. For instance, that no soldier, no prisoner, should be shot; that no looting should be permitted. I have my book here. I can read it. Treatment of prisoners of war; Red Cross; the village should not be touched; the threat of punishment if these regulations should not be heeded.

Q If it was known that the soldiers had committed cruelties against the civilians, was it so, as far as you know, that the commanders used all severe punishment against the soldiers?

A I know of some cases and knew some cases where that was done, as far as the death penalty.

Q But it was the endeavor of the commanders that under all circumstances discipline of troops had to be maintained?

A Yes. I can give a particular example. A general of the Air Force had taken jewelry which belonged to a foreigner. He was convicted and executed. I think it was in 1943 or 1944.

Q Witness, in the critical days of 1939 you were in close relations to Goering. Have you heard through him about a large, extensive plan for a large war?

A No.

Q In your opinion, did other leaders of the army hear more or did they have to hear more?

A No. All measures which were taken came like the occupation of the Rhineland came, very suddenly, sometimes after preparation of hours only. That applies to Austria; that applies to Czechoslovakia; and that applies to Prague. The only time that anything had been told us before was the affair with Poland, where we had a discussion on the 23rd of May.

Q In all other cases, for high military leaders, therefore, it was a surprise?

A Yes, a complete surprise.

Q Then I have one more question: How was it about the possibility of resignation for high military leaders during the war?

A That has been told several times, and I have experienced it, that

H0079-0076

one could not submit an application to resign. It was said if anyone of us had to leave we would be told to do so. In an authoritarian state the citizen and the subordinate had no right to go by himself, neither a soldier nor a civilian.

DR. LATERNSER: I have no more questions.

THE PRESIDENT: The Tribunal will adjourn until Monday morning.

(The Tribunal adjourned until 11 March 1946 at 1000 hours.)